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REMARKS

Claim Status

Claims 1-4 and 6-13 are pending in the application. Claims 1-4, 6 and 7 have been amended and claims 8-13 have been added. Claim 5 has been cancelled. Claims 8-13 comprise claims 1-4, 6 and 7 with the alternative "and" from the now amended "and/or" appearing in original claim 1, line 11. No new matter has been added.

Claim Rejection - 35 USC §112

In paragraphs 1-32 the Examiner rejected claims 1-7 under 35 USC §112 as being indefinite. Claims 1-7 have been amended above and are no longer believed to be indefinite. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejection - 35 USC §102(b)

In paragraph 33 and 34, the Examiner rejected claims 1-7 under 35 USC §102(b) as being clearly anticipated by US Patent 6,279,750, hereinafter Lohmann. Applicants traverse.

A claim is clearly anticipated if comparison of the claimed invention with the prior art reference reveals that every element in the claim is shown or described, organized, and functioning in substantially the same manner as in the prior art reference. In re King, 801 F.2d 1324, 1326 (Fed. Cir. 1986). "A determination that a patent is invalid as being anticipated by 35 U.S.C. §102 requires a finding that 'each and every limitation is found either expressly or inherently in a single prior art reference.' Celeritas Techs. Ltd. v. Rockwell Int'l Corp., 150 F.3d 1354, 1360, 47 USPQ2d, 1516, 1522 (Fed. Cir. 1998)." Transclean Corp. v. Bridgewood Services, Inc. 290 F.3d 1364, 62 USPTO2d 1865 (Fed. Cir. 2002). In accordance with Helifix Ltd. v. Blok Lok, Ltd., 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000): "The first step of an anticipation analysis is claim construction."; and "The second step in an anticipation analysis involves a comparison of the construed claim to the prior art. ... To be anticipating, a prior art reference must disclose 'each and every limitation of the claimed

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invention ...must be enabling and describe ... the claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.' In re Paulsen, 30 F.3d 1475, 1478, 79, 31 USPQ2d 1671 (Fed. Cir. 1994)."

The present invention is directed to identifying mail pieces via their fingerprints. Fingerprints, as is known in the art, are distinguishing feature characteristics of mail pieces. An application of fingerprint reading is to identify mail pieces at a subsequent sorting machine after the mail pieces have left a prior machine. As mail pieces include a large number and variety of fingerprints, the successful readability rate of the fingerprints is relatively low. The present invention aims to improve this rate by limiting the data set from which read fingerprints are compared. The data set includes mail piece identification as well as fingerprint identification. The data set is limited according to the order the mail pieces were read, the underlying logic being that the order is maintained at the subsequent sorter — a standard practice in the art.

As may be at least paraphrased from independent claim 1, in the present method, "characteristic features of the item of mail" are used to distinguish mail pieces (body, first paragraph); containers from which mail pieces originate are identified and the mail piece order maintained (body, second paragraph), such and other information are stored (body, third paragraph); and the mail pieces are forwarded in order to a subsequent sorter and the stored information is consulted to identify the mail pieces (body fourth paragraph).

In contrast, Lohmann is directed to the efficient use of sorting bins volume with respect to accompanying mail pieces therein. In order to maximize sorting bin volume usage, Lohmann determines mail piece thicknesses. The number and volume of sorting bins is then considered. A dynamic association of a volume of mail, based upon their thicknesses, is made to the sorting bins, such that the combined or total mail item thickness occupies a select volume within the sorting bins. The select volume will generally be a total working volume of the sorting bins.

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The instant claim features, analyzed above, are simply not disclosed in Lohmann. Further Lohmann does not inherently teach of the instant method given that Lohmann is directed to a completely different task. Accordingly, Lohmann does not provide the basis for a §102(b) clearly anticipated rejection. Reconsideration and withdrawal of this rejection is respectfully requested.

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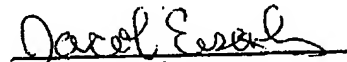
CONCLUSION

No new matter has been added. The Examiner is invited to contact the undersigned for any reason which would expedite handling of this application.

The present response is intended to correspond with the Revised Amendment Format. Applicant understands that with the Revised Amendment Format, the provisions of 37 CFR §1.121 are waived. Should any part of the present response not be in full compliance with the requirements of the Revised Amendment Format, the Examiner is asked to contact the undersigned for immediate correction.

In the event that the transmittal form is separated from this document and the Patent Office determines that an extension of time and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees in connection with the filing of this document to Deposit Account No.: 502464 referencing client reference: 1999P02856WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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SIEMENS SCHWEIZ
Intellectual Property
IP, I-44
Albisriederstrasse 245
CH-8047 Zürich, Switzerland
Tel: +41 (0) 585 583 295
Fax: +41 (0) 585 583 228


Jacob Eisenberg
Attorney for Applicant
Registration No. 43,410
Customer No.: 28,204